



8 Rec'd PCT/PTO 0-7 OCT 2004  
PATENT  
0283-0195PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yasuhisa FUKUDA et al. Conf.: Unassigned  
Appl. No.: 10/500,599 Group: Unassigned  
Filed: July 1, 2004 Examiner: Unassigned  
For: PROCESS FOR PREPARING 3-UNSUBSTITUTED-5-AMINO-4-NITROSOPYRAZOLE COMPOUND, AND 2-HYDROXYIMINO-3-OXOPROPIONITRILE, 3-HYDRAZONO-2-HYDROXYIMINOPROPIONITRILE COMPOUND AND PROCESSES FOR PREPARING THE SAME

L E T T E R

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

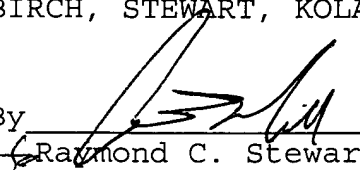
Subsequent to the filing of the above-identified application on July 1, 2004, attached hereto is an English translation of the International Preliminary Examination Report (IPER 409) that should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

 #32868  
Raymond C. Stewart (21,066)

RCS/kdm  
0283-0195PUS1

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Attachment(s)

Papers Filed herewith on: July 1, 2004  
DOCKET NO.: 0283-0195PUS1 ATTY.: RCS  
APPLICANT(S): Yasuhisa FUKUDA et al.  
APPLN. NO.: NEW FILED: July 1, 2004  
PAT NO.: 10/500599

☒ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ CIP ☒ PCT ☐ Provisional  
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV  
☐ Filing Under 37 CFR 1.114(RCE)  
☒ Specification Consisting of: 31 page  
☒ Combined Declaration & Power of Attorney  
☒ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings      Sheets ☐ Formal ☐ Informal ☐ Red-Int  
☐ Completion of Filing Requirements, PCT/DO/EO/905  
or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc.       
☐ Amendment:  
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity  
☐ Response  
☒ Information Discl Stmt. PTO-1449(s) 0 doc(s)  
☐ PTO/ISA/210  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal ☐ Sequence Listing  
☒ FEES: \$1634.00 Cex# 9029923  
☐ Letter:  
☐ Other:

D107 Rec'd PCT/PTO 0 1 JUL 2004

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: July 1, 2004  
Handcarry:     

DOCKET NO. 0283-0195PUS1

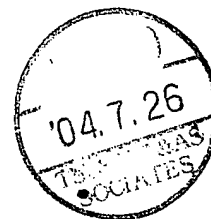
From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT  
(PCT Rule 72.2)

To:

TSUKUNI, Hajime  
SVAX TS Bldg.  
22-12, Toranomon 1-chome  
Minato-ku, Tokyo 105-0001  
JAPON



Date of mailing (day/month/year) 22 July 2004 (22.07.2004)	
Applicant's or agent's file reference FP2556PCT	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/000647	International filing date (day/month/year) 24 January 2003 (24.01.2003)
Applicant UBE INDUSTRIES, LTD. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NO, NZ, OA, OM, PH, PL, PT, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Yoshiko Kuwahara
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 90 90

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference FP2556PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP03/00647	International filing date (day/month/year) 24 January 2003 (24.01.03)	Priority date (day/month/year) 24 January 2002 (24.01.02)
International Patent Classification (IPC) or national classification and IPC C07D 231/38, C07C 253/30, 255/64, 255/66		
Applicant UBE INDUSTRIES, LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand 18 June 2003 (18.06.03)	Date of completion of this report 08 August 2003 (08.08.2003)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/00647

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/00647

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-20	YES
	Claims		NO
Inventive step (IS)	Claims	1-20	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

**2. Citations and explanations**

Document 1: Khimiya Geterotsiklicheskikh Soedinenii, 1991, Volume 7, pages 976-978

Document 2: JP, 1-190668, A (Bayer AG.), 31 July, 1989

Document 3: JP, 62-273979, A (Lion Corp.), 28 November, 1987

Document 4: JP, 61-282376, A (Bayer AG.), 12 December, 1986

Document 5: JP, 60-56981, A (Lion Corp.), 02 April, 1985

Claims 1-20

The inventions described in claims 1-20 appear to be novel and to involve an inventive step over documents 1-5 cited in the ISR.

Documents 1-5 neither describe nor suggest a compound and production method therefor as described in the claims. In particular, documents 1-5 do not describe the 3-hydrazono-2-hydroxyiminopropionitrile compound represented by Formula (2); nor is this obvious to a party skilled in the relevant technical fields.

The inventions described in claims 1-20 appear to have industrial applicability.